

Remarks/Arguments

The changes for the claims are set forth below.

Claim 1 has been rewritten to emphasize the hub rather than the one or more central modems which are but part of the hub (see e.g. element 328 of Figure 2). The hub includes at least one central modem and additional functionality. The functionality of the hub allows for a number of features. One feature emphasized in the specification is the option of converting the data to a PPP format so that the personal computers or other devices downstream of the client modems can be operated without a network interface card (NIC). However, as noted in the specification, PPP is a preferred protocol and other protocols may be used over the local distribution networks. Thus, as suggested in the specification, the hub may not be required to convert protocols from IP to PPP as functionality present in laptop computers evolves.

Other functions performed by the hub include:

- 1) acting as a proxy server for the client modems and controlling the use of the upstream channel as referenced in amended claim 1 and 7;
- 2) conversion of the downstream data into a MPEG2/DVB frame format or other recognized standard frames as referenced in amended claims 8 and 9;
- 3) providing a control field to downstream transmissions of data to provide feedback to the client modems in order to adjust the gain settings as needed, as referenced in new claim 12; and
- 4) adding local value-add functions including video on demand and telephony as referenced in new claims 13 and 14.

Claim 2 has been rewritten and emphasizes the joiner device (see e.g. element 308 in Figure 2) where a common cable provides both television signals and the connection to the external network.

Claim 3 has been amended to add an “s” to “one of the at least one signal amplifiers”.

Claim 6 has been amended in keeping with claim 1’s emphasis on the hub.

Claim 7 has been amended to highlight that the proxy server function can be put into the central server portion of the hub as implemented in the architecture of claim 6.

Claims 8 and 9 have been revised to highlight the potential for the hub to reformat the downstream data into MPEG2/DVB frames or other standard frame format.

Claim 10 has been amended in keeping with claim 1’s emphasis on the hub

Claim 11 has been revised slightly to add the word “external” to change “a first network” to “a first external network”.

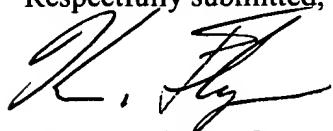
Claim 12 is new and highlights the ability of the hub to add a control field to downstream transmissions of data to provide feedback to the client modems in order to adjust the gain settings as needed.

Claims 13 and 14 are new and highlight the ability of the hub to add local value-add functions including video on demand and telephony services.

These claims essentially track the claims submitted in a corresponding PCT case where the USPTO served as IPEA. A favorable International Preliminary Examination Report was issued for all pending claims. (copy enclosed) Assignee seeks a similarly favorable reaction in the present case.

Dated: September 9, 2003

Respectfully submitted,



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Enclosure: International Preliminary Examination Report for corresponding PCT case.

F:\CL\0960-020\Prosecution\Preliminary Amendment.doc

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

KEVIN E. FLYNN
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PCTNOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)**08 NOV 2002**

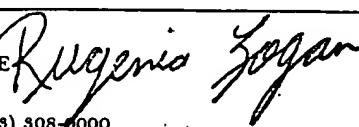
Applicant's or agent's file reference 0960-053		IMPORTANT NOTIFICATION	
International application No. PCT/US01/26068	International filing date (day/month/year) 21 AUGUST 2001	Priority Date (day/month/year) 21 AUGUST 2000	
Applicant COAXMEDIA, INC.			

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer ANDREW FALEY  Telephone No. (703) 308-5000
Facsimile No. (703) 305-3230	

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0960-053	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US01/26068	International filing date (day/month/year) 21 AUGUST 2001	Priority date (day/month/year) 21 AUGUST 2000
International Patent Classification (IPC) or national classification and IPC IPC(7): H04N 7/18, 7/173 and US Cl.: 725/78, 82, 83, 111, 117, 119, 120, 127, 128		
Applicant COAXMEDIA, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 04 MARCH 2002	Date of completion of this report 20 OCTOBER 2002
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer ANDREW FAILE Telephone No. (703) 308-0600 <i>Rugenia Zogar</i>
Facsimile No. (703) 305-3230	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/26068

I. Basis of the report

1. With regard to the elements of the international application:*

 the international application as originally filed the description:

pages _____ (See Attached) _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

 the claims:

pages _____ (See Attached) _____, as originally filed
 pages _____, as amended (together with any statement) under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

 the drawings:

pages _____ (See Attached) _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

 the sequence listing part of the description:

pages _____ (See Attached) _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in printed form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages _____ NONE
 the claims, Nos. _____ NONE
 the drawings, sheets/fig. _____ NONE

5. This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/26068

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims <u>1-15</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-15</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-15</u>	YES
	Claims <u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1-15 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest an architecture of components within a building to distribute television signals and data over an in-building coax distribution network to provide television signals to a set of at least two televisions and to provide for two-way data communication between at least one hub and a set of at least two client modems attached at the distal ends of the in-building coax distribution network. The architecture comprises at least one Hub connected to the in-building coax distribution network through the at least one diplexer. Wherein the Hub containing at least one central modem for transmitting Internet protocol data downstream to the set of client modems and for receiving upstream transmission Internet protocol data from individual client modems, the upstream and downstream transmission occurring in frequency bands above the first frequency band of the cable carrying the television signals, buffering the upstream and downstream communications for the in-building coax distribution network, controlling the use of the upstream channel on the in-building coax distribution network by the set of at least two client modems; and acting as a proxy server for the at least two clients modem.

Claims 1-15 have industrial applicability as defined by PCT Article 33(4) because the subject matter claimed can be made or used in industry.

————— NEW CITATIONS —————
NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/26068

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

I. BASIS OF REPORT:

This report has been drawn on the basis of the description,
page(s) 1-15, as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the claims,
page(s) NONE, as originally filed.
page(s) NONE, as amended under Article 19.
page(s) NONE, filed with the demand.
and additional amendments:
pages 16-19 filed with the letter of 20 August 2002.

This report has been drawn on the basis of the drawings,
page(s) 1-12, as originally filed.
page(s) NONE, filed with the demand.
and additional amendments:
NONE

This report has been drawn on the basis of the sequence listing part of the description:
page(s) NONE, as originally filed.
pages(s) NONE, filed with the demand.
and additional amendments:
NONE